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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,044	08/07/2001	Amy Rene Freshour	RD-24899USA	1461

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GENERAL ELECTRIC COMPANY
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EXAMINER

HRUSKOCI, PETER A

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/924,044		Applicant(s) FRESHOUR ET AL.	
Examiner Peter A. Hruskoci		Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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1. Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 21 and 22 "consists essentially of an incinerator" and in claim 22 "consists essentially of a water treatment plant" are vague and indefinite because it is unclear how these terms further limit the claims. It is noted that claim 20 appears to exclude additional components such as an incinerator and water treatment plant by reciting the term "consisting essentially of".

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spei et al. in view of Moller. Spei et al. disclose (see Figure 1) the structure of the system substantially as claimed. The claims differ from Spei et al. by reciting that the system consists essentially of the recited components, and includes a water tank for receiving emulsion-free water from the mixing tank. It is submitted that the exclusion of the additional components of Spei et al. and their function, would have been prima facie obvious to one skilled in the art. Moller disclose (see Fig. 1) that it is known in the art to

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utilize a water tank for storing water that is separated from an emulsion in a mixing and separating tank. It would have been obvious to one skilled in the art to modify the system of Spei et al. by including the recited water tank in view of the teachings of Moller, to aid in storing the separated water. With regard to claim 22, it is noted that Spei et al. discloses the further treatment of the demulsified water or aqueous phase, which appears to include a water treatment apparatus patentably indistinguishable from the plant recited in the instant claim.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spei et al. in view of Moller as above, and further in view of Brown. The claim differs from the references as applied above by reciting that the oil tank is in communication with an incinerator. Brown disclose (see col. 4 lines 15-61) that it is known in the art to utilize waste oil separated from an oil / water separator, and stored in a collection tank, as fuel for an incinerator. It would have been obvious to one skilled in the art to modify the references as applied above by including the recited incinerator in view of the teachings of Brown, to aid in utilizing the separated oil as fuel.

5. Applicants argue that the system in Spei et al. is more complicated, requiring additional instrumentation and components to produce a result which not specifically designed for the application to which the claimed system of the present application is limited. It is submitted that the exclusion of the additional instrumentation and

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components from the system of Spei et al. and their function would have been prima facie obvious to one skilled in the art, absent a sufficient showing of unexpected results.

6. Applicants argue that in the claimed system of the present application, the mixing tank operates as both a mixing vessel and a phase separation vessel, and in Spei et al. the oil and water phases are separated in a separate vessel. It is submitted that the structure of the separation vessels disclosed in Spei et al. is capable of performing this function.

7. Applicants argue that the combination of Spei et al. and Moller fails to teach the system of the present application which includes the wastewater plant of claim 22. It is submitted that Spei et al. discloses the further treatment of the demulsified water or aqueous phase, which appears to include a water treatment apparatus patentably indistinguishable from the plant recited in the instant claim.


8. Applicants allege that one skilled in the art of emulsion separation arts would never look to a reference of the type disclosed in Brown to identify a suitable disposition of emulsion-free water. It is submitted that the oily wastewater treated in Brown would appear to include emulsions, and the oil-water separator utilized in Brown appears to discharge clean or emulsion-free water. Furthermore, applicants have not provided sufficient factual evidence to support the above allegation.

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9. Claim 20 properly written to recite that the waste reservoir contains surfactant stabilized silicone emulsion waste, and the chemical tank contains a basic compound or admixture that has a pH level between about 9 and about 14, would be allowable.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter A. Hruskoci whose telephone number is (703) 308-3839. The examiner can normally be reached on Monday through Friday from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. David Simmons, can be reached on (703) 308-1972. The fax phone number for this Group is (703) 872-9310 (non-after finals) and 703-872-9311 after finals.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.


Peter A. Hruskoci
Primary Examiner
Art Unit 1724

P. Hruskoci
May 8, 2003